

96TH CONGRESS  
1ST SESSION

# H. R. 4567

To redesignate the Department of Commerce as the Department of Commerce and International Trade, to consolidate in such department various functions of the Government with respect to international trade, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1979

Mr. JONES of Oklahoma (for himself, Mr. FRENZEL, Mr. GIBBONS, Mr. CONABLE, Mr. GUARINI, Mr. ARCHER, Mr. YOUNG of Alaska, Mr. HUGHES, Mr. LAFALCE, Ms. MIKULSKI, Mr. CLEVELAND, Mr. BADHAM, Mr. RINALDO, Mr. LEE, and Mr. CHARLES WILSON of Texas) introduced the following bill; which was referred to the Committee on Government Operations

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## A BILL

To redesignate the Department of Commerce as the Department of Commerce and International Trade, to consolidate in such department various functions of the Government with respect to international trade, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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national trade is fragmented and dispersed, resulting in

1 inadequate and uncoordinated attention being given to  
2 these important issues.

3 PURPOSE; FUNCTIONS

4 SEC. 102. (a) The purpose of this Act is to establish in  
5 the executive branch of the Federal Government a coherent  
6 organizational structure to promote the international econom-  
7 ic interests of the United States through the consolidation of  
8 separate existing agencies which share jurisdiction over—

- 9 (1) industry affairs relating to international trade;  
10 (2) export promotion and financing activities;  
11 (3) the formulation and implementation of United  
12 States policy with respect to unfair international trade  
13 practices; and  
14 (4) trade reporting and monitoring.

15 (b) The functions vested in the Department of Com-  
16 merce under this Act are—

- 17 (1) to formulate and implement policy on interna-  
18 tional trade matters which will promote the export of  
19 United States agricultural commodities, industrial and  
20 service products, and raw materials in order to  
21 strengthen the international trade position of the  
22 United States and ensure that American business and  
23 labor are protected from unfair international trade  
24 practices;

1           (2) to direct a comprehensive program of collect-  
2           ing and analyzing information on domestic and foreign  
3           business, labor, and commercial trends;

4           (3) to seek and provide new trade and commercial  
5           opportunities for United States businesses abroad;

6           (4) to assist small businesses in developing export  
7           markets;

8           (5) to direct long-range planning on international  
9           trade matters;

10          (6) to facilitate and aid in financing exports of  
11          goods and services in cooperation with other appropri-  
12          ate Government agencies;

13          (7) to consult with other departments and agen-  
14          cies where appropriate to assure the effective adminis-  
15          tration of programs which have international trade  
16          impact;

17          (9) to administer export controls, including con-  
18          trols on export of strategic goods and technology;

19          (10) to gather and disseminate information on im-  
20          ports, including their effects on domestic production,  
21          employment, and consumption, in order to help ensure  
22          appropriate and prompt responses to changing import  
23          trends;

24          (11) to act to ensure adequate supplies at compet-  
25          itive prices of critical materials necessary for national

1 security and the continued functioning of the Nation's  
2 economy; and

3 (12) to conduct such studies and investigations as  
4 may be requested by the President or Congress.

5 (c) The functions vested in the Special Trade Repre-  
6 sentative under this Act are—

7 (1) to direct United States participation in multi-  
8 lateral and bilateral trade negotiations;

9 (2) to direct and coordinate with other appropriate  
10 departments and agencies the enforcement of United  
11 States law and policy on trade matters;

12 (3) to negotiate and implement commercial and  
13 trade agreements with foreign nations, including com-  
14 modity agreements; and

15 (4) to oversee the conduct of international energy  
16 negotiations.

## 17 TITLE II—REORGANIZATION OF 18 INTERNATIONAL TRADE FUNCTIONS

### 19 REDESIGNATION

20 SEC. 201. The Department of Commerce is hereby re-  
21 designated the Department of Commerce and International  
22 Trade (hereinafter in this Act referred to as the “Depart-  
23 ment”), and the Secretary of Commerce or any other official  
24 of the Department of Commerce is hereby redesignated the

1 Secretary or official, as appropriate, of Commerce and Inter-  
2 national Trade.

3 **PRINCIPAL OFFICERS**

4 **SEC. 202.** There shall be in the Department an Under  
5 Secretary for Domestic Commerce and an Under Secretary  
6 for International Trade, each of whom shall be appointed by  
7 the President, by and with the advice and consent of the  
8 Senate. Either Under Secretary, as designated by the Secre-  
9 tary, shall act for and exercise the functions of the Secretary  
10 during any period of absence or disability of the Secretary or  
11 in the event of a vacancy in the Office of the Secretary. The  
12 Secretary shall prescribe the succession to the functions of  
13 the Secretary in the event of absence or disability of or va-  
14 cancy in the office of each such Under Secretary.

15 **DUTIES OF THE SECRETARY**

16 **SEC. 203. (a)** The Secretary of Commerce and Interna-  
17 tional Trade (hereinafter in this Act referred to as the "Sec-  
18 retary") in carrying out the purposes of this Act shall pro-  
19 mote and undertake the development, collection, and dissemi-  
20 nation, of technical, statistical, economic, and other informa-  
21 tion relative to domestic and international trade and invest-  
22 ment; consult and cooperate with other executive agencies in  
23 gathering information regarding the status of international  
24 trade and investment in which the United States or other  
25 countries may be participants; and consult and cooperate

1 with State and local governments and other interested par-  
2 ties, including, when appropriate, holding informal public  
3 hearings.

4 (b) Orders and actions of the Secretary in the exercise of  
5 the functions transferred under this Act, and orders and ac-  
6 tions of any entity the responsibilities of which are trans-  
7 ferred to the authority of the Secretary and vested in the  
8 Secretary pursuant to the functions specifically assigned to  
9 any such entity by this Act or any other Act of Congress,  
10 shall be subject to judicial review to the same extent and in  
11 the same manner as if such orders and actions had been by  
12 the department or agency or other authority exercising such  
13 functions immediately preceding their transfer. Any statutory  
14 requirements relating to notice, hearings, actions upon the  
15 record, or administrative review that apply to any functions  
16 transferred by this Act shall apply to the exercise of such  
17 functions by the Secretary.

18 (c) In the exercise of the functions transferred under this  
19 Act, the Secretary shall have the same authority as that  
20 vested in the department, agency, or authority exercising  
21 such functions immediately preceding their transfer, and their  
22 actions in exercising such functions shall have the same force  
23 and effect as when exercised by such department, agency, or  
24 authority.

1 (d) In carrying out the functions transferred under this  
2 Act, the Secretary shall consult, exchange information, and  
3 carry on joint planning, research, and other activities with  
4 the Secretary of the Treasury, the Secretary of State, the  
5 Secretary of Agriculture, and the heads of such other execu-  
6 tive agencies as the Secretary deems appropriate.

7 (e) The Secretary shall jointly study, with the Secretary  
8 of State, the Secretary of the Treasury, the Secretary of Ag-  
9 riculture, and the heads of such other executive agencies as  
10 the Secretary deems appropriate, how Federal policies and  
11 programs can ensure that international trade and investment  
12 systems most effectively serve both national and international  
13 economic needs. The Secretary shall include in the annual  
14 report required by section 307 of this Act an account of the  
15 studies and activities conducted under this subsection, includ-  
16 ing any legislative recommendations which the Secretary de-  
17 termines desirable.

18 **TRANSFER OF FUNCTIONS AND AGENCIES TO THE**  
19 **DEPARTMENT**

20 **SEC. 204. (a)** There are transferred to and vested in the  
21 Secretary—

22 (1) such functions of the Secretary of State, the  
23 Department of State and officers and components of  
24 such Department as relate to—



1           (A) commercial affairs and business activi-  
2           ties, including export promotion, but not including  
3           the reporting of economic conditions in foreign  
4           countries; and

5           (B) international investment policy;

6           (2)(A) all functions of the Secretary of the Treas-  
7           ury, the Department of the Treasury, and any officer  
8           or component thereof which are carried out through  
9           the Assistant Secretary of the Treasury for Interna-  
10          tional Affairs, except those functions of such Assistant  
11          Secretary which relate to monetary policy, interna-  
12          tional exchange, international investment, Saudi Arabian  
13          affairs, and United States membership in bilateral and  
14          multilateral monetary institutions;

15          (B) all functions of the Secretary of the Treasury  
16          relating to dumping and countervailing duties;

17          (C) all functions of the Secretary of the Treasury  
18          administered through the office known as the Office of  
19          Foreign Assets Control;

20          (3) all functions of the Special Representative for  
21          Trade Negotiations, the Office of the Special Repre-  
22          sentative for Trade Negotiations, and all officers and  
23          components thereof with respect to relief from unfair  
24          trade practices under chapter 1 of title II of the Trade

1 Act of 1974 or under the Trade Agreements Act of  
2 1979;

3 (4) the functions of the International Trade Com-  
4 mission (A) with respect to uniform statistical data  
5 under section 484(e) of the Tariff Act of 1930 and sec-  
6 tion 608 of the Trade Act of 1974; (B) with respect to  
7 tariff schedules and summaries under sections 332 and  
8 484(e) of the Tariff Act of 1930 and section 201 of the  
9 Tariff Classification Act of 1962; (C) with respect to  
10 investigatory functions under sections 337 and 341 of  
11 the Trade Act of 1974; and (D) conducted through the  
12 office known as the Office of Industries;

13 (5) the functions of the Secretary of Labor with  
14 respect to determinations of worker eligibility for as-  
15 sistance under chapter 2 of title II of the Trade Act of  
16 1974; and

17 (6) the functions of the Secretary of the Interior  
18 conducted through the office known as the Division of  
19 Interindustry and Economic Analysis.

20 (b)(1) The Export-Import Bank is transferred to and es-  
21 tablished in the Department as an agency and instrumentali-  
22 ty of the United States under the general supervision and  
23 direction of the Secretary, as provided in section 2 of the  
24 Export-Import Bank Act of 1945 as amended by section  
25 310(j) of this Act.

1       (2) The Overseas Private Investment Corporation is  
2 transferred to and established in the Department as an  
3 agency and instrumentality of the United States under the  
4 general supervision and direction of the Secretary, as pro-  
5 vided in section 233 of the Foreign Assistance Act of 1961  
6 as amended by section 310(i)(2) of this Act.

7       (3) The International Trade Commission is transferred  
8 to and established in the Department as an independent  
9 entity. In the performance of their functions (other than the  
10 functions which are transferred to the Secretary by subsec-  
11 tion (a)(4) of this section), the members, employees, and other  
12 personnel of the Commission shall not be responsible to the  
13 supervision or direction of any officer, employee, or agent of  
14 any other part of the Department.

15       TRANSFER OF FUNCTIONS TO THE SPECIAL TRADE

16                       REPRESENTATIVE

17       SEC. 205. There are transferred to and vested in the  
18 Special Representative for Trade Negotiations the functions  
19 of the State Department with respect to the negotiation and  
20 implementation of commercial agreements and trade agree-  
21 ments with foreign nations, including commodity agreements.

22       TITLE III—MISCELLANEOUS PROVISIONS

23                       ADMINISTRATIVE PROVISIONS

24       SEC. 301. (a) The Secretary is authorized to appoint  
25 and fix the compensation of such officers and employees, in-

1 cluding attorneys and investigators, as may be necessary to  
2 carry out the functions transferred by this Act to the Secre-  
3 tary and the Department, except that the total number of  
4 individuals which may be so appointed shall not exceed the  
5 total number of individuals which were performing such func-  
6 tions on the day preceding the effective date of this Act,  
7 unless otherwise provided by a provision of law enacted after  
8 the date of enactment of this Act. Except as otherwise pro-  
9 vided by law, such officers and employees shall be appointed  
10 in accordance with the provisions of title 5, United States  
11 Code, governing appointments in the competitive service, and  
12 compensated in accordance with the provisions of chapter 51  
13 and subchapter III of chapter 53 of such title.

14 (b) The Secretary may obtain the services of experts  
15 and consultants in accordance with the provisions of section  
16 3109 of title 5, United States Code, and may compensate  
17 such experts and consultants at rates not to exceed the daily  
18 rate prescribed for GS-18 of the General Schedule under  
19 section 5332 of such title.

20 (c)(1)(A) The Secretary is authorized to accept volun-  
21 tary and uncompensated services without regard to the provi-  
22 sions of section 3679(b) of the Revised Statutes (31 U.S.C.  
23 665(b)) if such services will not be used to displace Federal  
24 employees employed on a full-time, part-time, or seasonal  
25 basis.

1       (B) The Secretary is authorized to accept volunteer  
2 service in accordance with the provisions of section 3111 of  
3 title 5, United States Code.

4       (2) The Secretary is authorized to provide for incidental  
5 expenses, including but not limited to transportation, lodging,  
6 and subsistence for such volunteers.

7       (3) An individual who provides voluntary services under  
8 paragraph (1)(A) of this subsection shall not be considered a  
9 Federal employee for any purpose other than for purposes of  
10 chapter 81 of title 5, United States Code, relating to compen-  
11 sation for work injuries, and of chapter 171 of title 28,  
12 United States Code, relating to tort claims.

13       (d) In the exercise of the functions transferred under this  
14 Act, the Secretary shall have the same authority as the offi-  
15 cer, agency, or office, or any part thereof, exercising such  
16 functions immediately preceding their transfer, and the ac-  
17 tions of the Secretary in exercising such functions shall have  
18 the same force and effect as when exercised by such officer,  
19 agency, or office, or part thereof.

20       (e) Except as otherwise provided in this Act, the Secre-  
21 tary may delegate any of the functions under this Act to such  
22 officers and employees of the Department as the Secretary  
23 may designate, and may authorize such successive redelega-  
24 tions of such functions within the Department as may be nec-  
25 essary or appropriate. No delegation of functions by the Sec-

1   retary under this section or under any other provision of this  
2   Act shall relieve the Secretary of responsibility for the ad-  
3   ministration of such functions.

4       (f) The Secretary is authorized to prescribe, in accord-  
5   ance with the provisions of chapter 5 of title 5, United States  
6   Code, such rules and regulations as may be necessary or ap-  
7   propriate to carry out the functions transferred to the Secre-  
8   tary or the Department by this Act.

9       (g)(1) The Secretary is authorized to enter into and per-  
10   form such contracts, grants, leases, cooperative agreements,  
11   or other similar transactions with Federal departments and  
12   agencies, public agencies, State, local, and tribal govern-  
13   ments, private organizations, and individuals, and to make  
14   such payments, by way of advance or reimbursement, as the  
15   Secretary may deem necessary or appropriate to carry out  
16   the functions transferred to the Secretary or the Department  
17   by this Act.

18       (2) Notwithstanding any other provision of this Act, no  
19   authority to enter into contracts or to make payments under  
20   this Act shall be effective except to such extent or in such  
21   amounts as are provided in advance under appropriation  
22   Acts. This subsection shall not apply with respect to the au-  
23   thority granted under subsection (h).

24       (h) The Secretary is authorized to accept, hold, adminis-  
25   ter, and utilize gifts, bequests and devises of property, both

1 real and personal, for the purpose of aiding or facilitating the  
2 work of the Department in the performance of the functions  
3 transferred by this Act. Gifts, bequests, and devises of money  
4 and proceeds from sales of other property received as gifts,  
5 bequests, or devises shall be deposited in the Treasury in a  
6 separate fund and shall be disbursed upon the order of the  
7 Secretary. Property accepted pursuant to this section, and  
8 the proceeds thereof, shall be used as nearly as possible in  
9 accordance with the terms of the gift, bequest, or devise do-  
10 nating such property. For the purposes of Federal income,  
11 estate, and gift taxes, property accepted under this section  
12 shall be considered as a gift, bequest, or devise to the United  
13 States.

#### 14 REORGANIZATION

15 SEC. 302. The Secretary is authorized to allocate or  
16 reallocate the functions transferred to the Secretary or the  
17 Department by this Act among the officers of the Depart-  
18 ment, and to establish, consolidate, alter, or discontinue such  
19 organizational entities within the Department as may be nec-  
20 essary or appropriate. The authority of the Secretary under  
21 this section does not extend to the abolition of organizational  
22 entities established by this Act or the reallocation of func-  
23 tions among the officers of the Department as specifically  
24 designated by this Act.

## TRANSFER OF PERSONNEL

1  
2 SEC. 303. (a) Except as otherwise provided in this Act,  
3 the personnel employed in connection with, and the assets,  
4 liabilities, contracts, property, records, and unexpended bal-  
5 ances of appropriations, authorizations, allocations, and other  
6 funds employed, held, used, arising from, available to or to be  
7 made available in connection with the functions and agencies  
8 transferred to the Secretary or the Department by this Act,  
9 subject to section 202 of the Budget and Accounting Proce-  
10 dures Act of 1950, are transferred to the Secretary for ap-  
11 propriate allocation. Unexpended funds transferred pursuant  
12 to this subsection shall be used only for the purposes for  
13 which the funds were originally authorized and appropriated.

14 (b) Positions specified by statute or reorganization plan  
15 to carry out functions and agencies transferred by this Act,  
16 personnel occupying those positions on the effective date of  
17 this Act, and personnel authorized to receive compensation in  
18 such positions at the rate prescribed for offices and positions  
19 at level II, III, IV, or V of the Executive Schedule con-  
20 tained in sections 5312 through 5316 of title 5, United States  
21 Code, on the effective date of this Act, shall be subject to the  
22 provisions of section 304.

23 (c) Except as otherwise provided in this Act, the trans-  
24 fer pursuant to this title of full-time personnel (except special  
25 Government employees) and part-time personnel holding per-



1 manent positions shall not cause any such employee to be  
2 separated or reduced in grade or compensation for one year  
3 after such transfer or after the effective date of this Act,  
4 whichever is later.

5 (d) Any person who, on the day before the effective date  
6 of this Act, held a position compensated in accordance with  
7 the Executive Schedule prescribed in chapter 53 of title 5,  
8 United States Code, and who, without a break in service, is  
9 appointed in the Department to a position having duties com-  
10 parable to the duties performed immediately preceding such  
11 appointment shall continue to be compensated in such new  
12 position at not less than the rate provided for such previous  
13 position for the duration of the service of such person in such  
14 new position.

15 AGENCY TERMINATIONS

16 SEC. 304. Except as otherwise provided in this Act,  
17 whenever all of the functions of any agency, commission, or  
18 other body, or any component thereof, have been terminated  
19 or transferred by this Act from that agency, commission, or  
20 other body, or component thereof, such agency, commission,  
21 or other body, or component shall terminate. If an agency,  
22 commission, or other body, or any component thereof, termi-  
23 nates pursuant to the provisions of the preceding sentence,  
24 each position and office therein which was expressly author-  
25 ized by law, or the incumbent of which was authorized to

1 receive compensation at the rates prescribed for an office or  
2 position at level II, III, IV, or V of the Executive Schedule  
3 contained in sections 5313 through 5316 of title 5, United  
4 States Code, shall terminate.

5  
6 **INCIDENTAL DISPOSITIONS**

6 SEC. 305. The Director of the Office of Management  
7 and Budget, at such time or times as such Director shall  
8 provide, is authorized and directed to make such determina-  
9 tions as may be necessary with regard to the transfer of func-  
10 tions and agencies which relate to or are utilized by an offi-  
11 cer, agency, commission or other body, or component thereof,  
12 affected by this Act, and to make such additional incidental  
13 dispositions of personnel, assets, liabilities, grants, contracts,  
14 property, records, and unexpended balances of appropri-  
15 ations, authorizations, allocations, and other funds held, used,  
16 arising from, available to, or to be made available in connec-  
17 tion with the functions and agencies transferred by this Act,  
18 as may be necessary to carry out the provisions of this Act.  
19 The Director of the Office of Management and Budget shall  
20 provide for the termination of the affairs of all agencies, com-  
21 missions, offices, and other bodies terminated by this Act and  
22 for such further measures and dispositions as may be neces-  
23 sary to effectuate the purposes of this Act.

## SAVINGS PROVISIONS

1

2 SEC. 306. (a) All orders, determinations, rules, regula-  
3 tions, permits, grants, contracts, certificates, licenses, and  
4 privileges—

5 (1) which have been issued, made, granted, or al-  
6 lowed to become effective by the President, any Feder-  
7 al department or agency or official thereof, or by a  
8 court of competent jurisdiction, in the performance of  
9 functions which are transferred under this Act to the  
10 Department or the Secretary, and

11 (2) which are in effect at the time this Act takes  
12 effect,

13 shall continue in effect according to their terms until modi-  
14 fied, terminated, superseded, set aside, or revoked in accord-  
15 ance with the law by the President, the Secretary, or other  
16 authorized official, a court of competent jurisdiction, or by  
17 operation of law.

18 (b)(1) The provisions of this Act shall not affect any pro-  
19 ceedings, including notices of proposed rulemaking, or any  
20 application for any license, permit, certificate, or financial as-  
21 sistance pending on the effective date of this Act before any  
22 department, agency, commission, or component thereof, the  
23 functions of which are transferred by this Act; but such pro-  
24 ceedings and applications, to the extent that they relate to  
25 functions so transferred, shall be continued. Orders shall be

1 issued in such proceedings, appeals shall be taken therefrom,  
2 and payments shall be made pursuant to such orders, as if  
3 this Act had not been enacted; and orders issued in any such  
4 proceedings shall continue in effect until modified, terminat-  
5 ed, superseded, or revoked by the Secretary, by a court of  
6 competent jurisdiction, or by operation of law. Nothing in this  
7 subsection shall be deemed to prohibit the discontinuance or  
8 modification of any such proceeding under the same terms  
9 and conditions and to the same extent that such proceeding  
10 could have been discontinued or modified if this Act had not  
11 been enacted.

12 (2) The Secretary is authorized to promulgate regula-  
13 tions providing for the orderly transfer of proceedings contin-  
14 ued under paragraph (1) to the Department.

15 (c) Except as provided in subsection (e)—

16 (1) the provisions of this Act shall not affect suits  
17 commenced prior to the effective date of this Act, and

18 (2) in all such suits, proceedings shall be had, ap-  
19 peals taken, and judgments rendered in the same  
20 manner and effect as if this Act had not been enacted.

21 (d) No suit, action, or other proceeding commenced by  
22 or against any officer in the official capacity of such individu-  
23 al as an officer or any department or agency, functions of  
24 which are transferred by this Act, shall abate by reason of  
25 the enactment of this Act. No cause of action by or against

1 any department or agency, functions of which are transferred  
2 by this Act, or by or against any officer thereof in the official  
3 capacity of such officer shall abate by reason of the enact-  
4 ment of this Act.

5 (e) If, before the date on which this Act takes effect, any  
6 department or agency, or officer thereof in the official capac-  
7 ity of such officer, is a party to a suit, and under this Act any  
8 function of such department, agency, or officer is transferred  
9 to the Secretary or any other official of the Department, then  
10 such suit shall be continued with the Secretary or other ap-  
11 propriate official of the Department substituted or added as a  
12 party.

13 (f) Orders and actions of the Secretary in the exercise of  
14 functions transferred under this Act shall be subject to judi-  
15 cial review to the same extent and in the same manner as if  
16 such orders and actions had been by the agency or office, or  
17 part thereof, exercising such functions, immediately preced-  
18 ing their transfer. Any statutory requirements relating to  
19 notice, hearing, action upon the record, or administrative  
20 review that apply to any function transferred by this Act  
21 shall apply to the exercise of such function by the Secretary.

22 ANNUAL REPORT

23 SEC. 307. The Secretary shall, within thirty calendar  
24 days after the end of each calendar year, make a report to

1 the President for submission to the Congress on the activities  
2 of the Department during the preceding calendar year.

### 3 REFERENCE

4 SEC. 308. With respect to any functions transferred by  
5 this Act and exercised after the effective date of this Act,  
6 reference in any other Federal law to any department, com-  
7 mission, or agency or to any officer or office the functions of  
8 which are so transferred shall be deemed to refer to the Sec-  
9 retary or the Department.

### 10 TRANSITION

11 SEC. 309. With the consent of the appropriate depart-  
12 ment or agency head concerned, the Secretary is authorized  
13 to utilize the services of such officers, employees, and other  
14 personnel of the departments and agencies of the executive  
15 branch for such period of time as may reasonably be needed  
16 to facilitate the orderly transfer of functions and agencies  
17 under this Act.

### 18 TECHNICAL AND CONFORMING AMENDMENTS

19 SEC. 310. (a) Section 19(d)(1) of title 3, United States  
20 Code, is amended by striking out "Secretary of Commerce"  
21 and inserting in lieu thereof "Secretary of Commerce and  
22 International Trade".

23 (b) Section 101 of title 5, United States Code, is amend-  
24 ed by inserting "and International Trade" immediately after  
25 "Commerce".

1       (c) Section 5312(8) of such title is amended by inserting  
2    “and International Trade” immediately after “Commerce”.

3       (d) Section 5313 of such title is amended by adding at  
4    the end thereof the following:

5               “(25) Under Secretaries, Department of Com-  
6    merce and International Trade (2).”.

7       (e) Section 5314(4) of such title is repealed.

8       (f)(1) Section 5315(12) of such title is amended by strik-  
9    ing out “Commerce (8)” and inserting in lieu thereof “Com-  
10   merce and International Trade (10)”.

11       (2) Section 5315(39) of such title is amended by insert-  
12   ing “and International Trade” immediately after “Com-  
13   merce”.

14       (g) Section 5316(145) of such title is amended by insert-  
15   ing “and International Trade” immediately after “Com-  
16   merce”.

17       (h) Section 102(10) of the Department of Energy Orga-  
18   nization Act is amended by inserting “Commerce and Inter-  
19   national Trade,” before “State,”.

20       (i)(1) The first paragraph of section 231 of the Foreign  
21   Assistance Act of 1961 is amended—

22               (A) by inserting “and to promote the international  
23   trade position of the United States” after “develop-  
24   ment assistance objectives of the United States”; and

1 (B) by striking out all after “agency of the United  
2 States”.

3 (2) Section 233(b) of such Act is amended by striking  
4 out “Administrator of the Agency for International Develop-  
5 ment” and inserting in lieu thereof “Secretary of Commerce  
6 and International Trade”.

7 (j) Section 341(c) of the Export-Import Bank Act of  
8 1945 is amended—

9 (1) by striking out the first sentence and inserting  
10 in lieu thereof the following: “There shall be a Board  
11 of Directors consisting of the Secretary of Commerce  
12 and International Trade, who shall serve as Chairman,  
13 the President and First Vice President of the Export-  
14 Import Bank, and three additional persons appointed  
15 by the President, by and with the advice and consent  
16 of the Senate.”; and

17 (2) by striking out “five” in the second sentence  
18 of such section and inserting in lieu thereof “six”.

19 AUTHORIZATION OF APPROPRIATIONS

20 SEC. 311. Subject to any limitation on appropriations  
21 applicable with respect to any function transferred to the  
22 Secretary, there are authorized to be appropriated such sums  
23 as may be necessary to carry out the provisions of this Act  
24 and to enable the Secretary to administer and manage the  
25 Department.



1

## SEPARABILITY

2

SEC. 312. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

7

## EFFECTIVE DATE

8

SEC. 313. (a) The transfer of functions and agencies pursuant to sections 204 and 205 of this Act shall take effect one hundred and twenty days after the Secretary first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register, except that at any time after the date of enactment of this Act—

14

(1) any of the officers provided for this Act may be nominated and appointed as provided in this Act, and

17

(2) the Secretary may promulgate regulations pursuant to section 301(f) of this Act.

19

(b) Funds available to any department or agency (or any official or component thereof), the functions of which are transferred to the Secretary by this Act, may, with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this Act until such time as funds for that purpose are otherwise available.

## INTERIM APPOINTMENTS

1

2       SEC. 314. (a) In the event that one or more officers  
3 required by this Act to be appointed by and with the advice  
4 and consent of the Senate shall not have entered upon office  
5 on the effective date of this Act and notwithstanding any  
6 other provision of law, the President may designate an officer  
7 in the executive branch to act in such office for ninety days  
8 or until the office is filled as provided in this Act, whichever  
9 occurs first.

10       (b) Any officer acting in an office in the Department  
11 pursuant to the provisions of subsection (a) shall receive com-  
12 pensation at the rate prescribed for such office under this  
13 Act.

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